

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1 and 3-13 remain in the application. Claims 1 and 3-7 have been amended. Claim 2 has been cancelled.

In item 2 on page 2 of the Office action, claims 1, 2, 5, 6, 9-11, and 13 have been rejected as being fully anticipated by Babineau et al. (U.S. Patent No. 6,047,172) (hereinafter "Babineau") under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 9, line 4 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

the shielding plate body having at least one elongated opening formed therein being a slot antenna through which

electromagnetic waves produced within the shielding plate body are coupled out of the shielding plate body.

Applicants comment as follows with regard to the Examiner's comments in item 2 of the Office action, that Babineau discloses a wall section with an elongated opening/slot (45) which allows electromagnetic radiation to be coupled out of the plate body.

It is respectfully noted that the Examiner's interpretation of the Babineau reference is not correct. While the Babineau reference does disclose a housing which includes slots (45), these slots do not allow electromagnetic waves to be coupled out of the shielding plate. In particular, due to their physical size, the slots do not function as slot antennas radiating electromagnetic waves produced within the shielding plate body.

In column 2, lines 40-44 of the Babineau reference, it is disclosed that the cover, the two walls and the panel portion are very effective electromagnetic shields for the transceiver mounted in this particular carrier.

The Babineau reference discloses that the shield (1) both blocks electromagnetic interference from escaping from the

transceiver located in the carrier and prevents  
electromagnetic interference from other sources passing  
through and into the transceiver (column 4, lines 2-6).

The Babineau reference also discloses that the electrical connection of the shield to the circuit board (11), the front panel (13), and the ground of the carrier (9) which is in turn connected to the ground of the transceiver and the ground of the cable, provides for a very effective blocking of electromagnetic interference (column 4, lines 6-10).

The shield (1) disclosed in the Babineau reference is thus constructed to prevent electromagnetic waves from being coupled out of the shield. This is what the Babineau reference tries to achieve and to this end a specific ground connection of the different parts of the shield is disclosed.

Babineau does not provide any disclosure for intentionally coupling electromagnetic waves out of the shield (1). In this regard, it is noted that the slots (45) disclosed in Babineau are only indicated in Fig. 1, but it is not disclosed in the specification what their function is. It is however clear to a person of ordinary skill in the art that the slots (45) have such a small size that electromagnetic waves produced within the shield (1) cannot be coupled out. Furthermore, a slot

that would be large enough to allow the electromagnetic waves to be coupled out would be contradictory to the goal that the Babineau reference seeks to achieve.

Applicants note that if the openings are much smaller than the wavelength of the frequency produced within the shielding plate body, the slots will not act as a slot antenna, which radiates electromagnetic waves. This relationship is also supported by column 1, line 64 to column 2, line 11, which the Examiner refers to.

The reference does not show the shielding plate body having at least one elongated opening formed therein being a slot antenna through which electromagnetic waves produced within the shielding plate body are coupled out of the shielding plate body, as recited in claim 1 of the instant application.

Since claim 1 is believed to be allowable, dependent claims 2, 5, 6, 9-11, and 13 are believed to be allowable as well.

In item 4 on page 3 of the Office action, claims 3, 4, and 7 have been rejected as being obvious over Babineau (U.S. Patent No. 6,047,172) in view of Brench et al. (U.S. Patent No. 5,822,195) (hereinafter "Brench") under 35 U.S.C. § 103.

The Brench reference discloses that the enclosure should have openings with a size that does not allow magnetic waves to be emitted. Specifically, Brench discloses that the openings made in the enclosure should be much smaller than the wavelength of the maximum expected switching frequency ... otherwise, electromagnetic radiation would escape from the enclosed processor area (column 1, line 67 to column 2, line 3).

Accordingly, the Brench reference also tries to prevent the emission of electromagnetic waves from the enclosure. To this end, the use of small sized openings is taught. It can be seen that the same situation exists in the Brench reference as in the Babineau reference.

Therefore, the references do not disclose the feature that the slot antenna has a length of  $\lambda/2$  of the electromagnetic waves emitted, as recited in claim 3. It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations. The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, the Examiner has not produced a *prima facie* case of obviousness.

Applic. No. 10/047,800  
Amdt. dated September 29, 2003  
Reply to Office action of June 27, 2003

Furthermore, Brench does not make up for the deficiencies of Babineau. Since claim 1 is believed to be allowable, dependent claims 3, 4, and 7 are believed to be allowable as well.

In item 5 on page 4 of the Office action, claim 8 has been rejected as being obvious over Babineau (U.S. Patent No. 6,047,172) in view of Tillotson (U.S. Patent No. 4,519,664) under 35 U.S.C. § 103. Tillotson does not make up for the deficiencies of Babineau. Since claim 1 is believed to be allowable, dependent claim 8 is believed to be allowable as well.

In item 6 on page 5 of the Office action, claim 11 has been rejected as being obvious over Babineau (U.S. Patent No. 6,047,172) in view of Jones (U.S. Patent No. 6,364,709 B1) under 35 U.S.C. § 103.

Applicant respectfully notes that U.S. Patent No. 6,364,709 B1 has a filing date of April 20, 2001. As set forth in the Declaration of record, the instant application claims international priority of the German Application No. 101 02 456.8, filed **January 15, 2001**, under 35 U.S.C. § 119. Since applicant is entitled to the priority date of the German application, the instant application predates the U.S. Patent

Applic. No. 10/047,800  
Amdt. dated September 29, 2003  
Reply to Office action of June 27, 2003

No. 6,364,709 B1 filing date of April 20, 2001 by more than three months. Because U.S. Patent No. 6,364,709 B1 was filed after the priority date of the instant application, applicant respectfully believes that U.S. Patent No. 6,364,709 B1 is unavailable as prior art.

Applicant acknowledges that perfection of priority can only be obtained by filing a certified English translation of the German priority application. See 35 U.S.C. § 119. Applicant filed a Claim for Priority and a certified copy of German application 101 02 456.8 with the application on January 15, 2002. Enclosed herewith, applicant submits a certified English translation of the same. Accordingly, applicant respectfully believes that priority has been perfected and U.S. Patent No. 6,364,709 B1 is unavailable as prior art. Therefore, applicant respectfully submits that the Section 102 rejection on page 2 of the Office action is now moot.

None of the cited references discloses or suggests a housing-shaped shielding plate in which slot antennas are provided for radiating electromagnetic waves produced inside the shielding plate body. The intentional radiation of electromagnetic waves is a new and unknown concept, which is not disclosed in the prior art.

Applic. No. 10/047,800  
Amdt. dated September 29, 2003  
Reply to Office action of June 27, 2003

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-13 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

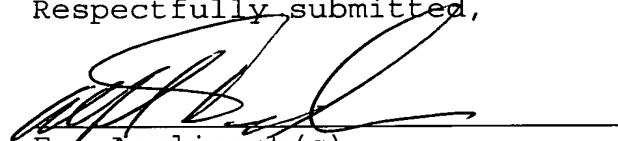
If an extension of time for this paper is required, petition for extension is herewith made.



Applic. No. 10/047,800  
Amdt. dated September 29, 2003  
Reply to Office action of June 27, 2003

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

  
For Applicant(s)

**Alfred K. Dassler**  
**52,794**

AKD:cgm

September 29, 2003

Lerner and Greenberg, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480  
Tel: (954) 925-1100  
Fax: (954) 925-1101